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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALFRED CHRISTOPHER GONZALES,

Petitioner,

v.

JO GENTRY, *et al.*,

Respondents.

Case No. 2:18-cv-00266-GMN-PAL

ORDER

This action is a *pro se* petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Alfred Christopher Gonzales, a Nevada prisoner. The respondents filed a motion to dismiss (ECF No. 7) on May 14, 2018. Gonzales' response to the motion to dismiss is due on July 16, 2018. See Order entered February 14, 2018 (ECF No. 3).

With their motion to dismiss, respondents filed a motion for leave to file exhibits under seal (ECF No. 10). In that motion, respondents request leave of court to file under seal copies of three presentence investigation reports regarding Gonzales (Exhibits 11, 12 and 13). There is a strong presumption in favor of public access to judicial filings and documents. See *Nixon v. Warner Communication, Inc.*, 435 U.S. 589, 597 (1978); see also *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1134 (9th Cir. 2003). However, the court has inherent power over its own records and files, and access may be denied where the court determines that the documents may be used for "improper purposes."

1 See *Nixon*, 435 U.S. at 598; *Kamakana*, 447 F.3d at 1179; *Hagestad v. Tragesser*, 49
2 F.3d 1430, 1433-34 (9th Cir. 1995). Under Nevada law, a presentence investigation report
3 is confidential, and is not to be made part of a public record. See NRS 176.156(5).
4 Presentence investigation reports contain sensitive confidential information that may be
5 misused. In light of the state law, and in light of respondents' concerns regarding the
6 confidentiality of these materials, the Court finds that there is good cause for these
7 exhibits to be filed under seal.

8 **IT IS THEREFORE ORDERED** that respondents' Motion for Leave to File Exhibits
9 Under Seal (ECF No. 10) is **GRANTED**. Respondents are granted leave of court to file
10 Exhibits 11, 12 and 13 under seal. As those exhibits have already been filed under seal
11 (ECF No. 11), no further action is necessary in this regard.

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13 DATED THIS 22 day of May, 2018.

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17 GLORIA M. NAVARRO,
18 CHIEF UNITED STATES DISTRICT JUDGE
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